THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 8114 of 2007

Date:19-04-2007

Between:

Allauddin Rehmani **.. PETITIONER**

AND

The Govt.of A.P. and three others.

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the action of the respondents 1 to 3 appointing the 4th respondent as Quazi, as illegal and arbitrary.

It is the case of the petitioner that he has submitted an application for appointment of government quazi for Visakhapatnam town. It is stated that the petitioner earlier filed W.P.No.2024 of 2006 questioning the order of the government in G.O.Ms.No.39 Minorities Welfare Department, dated 18.11.2005 appointing one Mr.Ahmed Baig as Quazi for Visakhapatnam District. During the pendency of the said writ petition, the said Ahmed Baig died and therefore the said writ petition was disposed of by order dated 15.06.2006 keeping it open for the petitioner to make an application for appointment as Quazi and if any such application is filed, his application may be considered along with other candidates as per the provisions of Khazi's Act. Pursuant to the said order only, the petitioner filed an application and the said application was forwarded by the District Collector, Visakhapatnam vide his Rc.No.12/VSP/Wakf/Qazi/06, dated 13.07.2006 to the Principal Secretary to Government, Minorities Welfare Department, Hyderabad stating that the application of the petitioner has been enquired and the Inspector Auditor Wakf, Visakhapatnam reported that the applicant is not a suitable person and he is a native of Uttar Pradesh State and settled at Visakhapatnam. However, the said application of the petitioner has been forwarded for appointment as Government Quazi for Visakhapatnam City for Alha Hadees Sect. The report of the Inspector-Auditor Wakf, Visakhapatnam and the statement of Allauddin Rehman were also enclosed along with the letter-dated 13.07.2006 to consider the application of the petitioner.

The petitioner questions the G.O.Ms.No.28, Minorites Welfare Department, dated 05.09.2006. Therefore, the only grievance of the petitioner is that the application forwarded by the District Collector, Visakhapatnam vide his letter dated 13.07.2006 has not been considered and disposed for his appointment as government quazi to Visakhapatnam city. However, the said recommendation is pending.

In view of the above, I am of the opinion that it is just and proper to dispose of the writ petition directing the government to pass appropriate orders on the application of the petitioner which was forwarded by the District Collector, Visakhapatnam to the Principal Secretary to Government, Minorities Welfare Department, Hyderabad.

Having regard to the facts and circumstances of the case, the first respondent is directed to consider and dispose of the application of the petitioner which was forwarded by the District Collector, Visakhapatnam vide his Rc.No.12/VSP/Wakf/Qazi/06, dated 13.07.2006 to the first respondent within four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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V.ESWARAIAH, J.

Date:19.04.2007
CCM